

# EXHIBIT HH

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IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

MATTHEW CAMPBELL, MICHAEL  
HURLEY and DAVID SHADPOUR,  
Plaintiffs,

VS. Case Number  
FACEBOOK, INC., C 13-05996 PJH  
Defendant.

CONFIDENTIAL

DEPOSITION OF [REDACTED] [REDACTED]  
TAKEN ON BEHALF OF THE DEFENDANT  
ON AUGUST 11, 2015, BEGINNING AT 9:00 A.M.  
IN LITTLE ROCK, ARKANSAS

Reported by:  
Cheryl D. Glenn, CSR, RPR

PAGES 1 - 259

1           A. Well, there's -- there's the networking in  
2 that, in career seeking and building expertise if you  
3 write or do any kind of scholarly activities, you can  
4 share it and get it out to the masses. And also as a  
5 -- as a practical matter in litigation, client  
6 information. I mean, it's -- it's increasingly  
7 relevant in actual discovery and finding out  
8 information about other people involved in -- in  
9 litigation, whether it's clients or judges or what  
10 have you.

11           Q. So, is it fair to say that Facebook can be  
12 beneficial to lawyers by increasing a lawyer's  
13 exposure to the general public?

14           A. Yes, that would be a great way to state it.

15           Q. Do you have an opinion about Facebook?

16           MR. SLADE: Objection. Object to form.

17           THE WITNESS: I use it, I see benefits in  
18 using it both personal and professional.

19           Q. (By Ms. Rogers) What are the personal  
20 benefits you see?

21           A. Keeping up with family that you don't have  
22 time to speak to on the phone, letting people come  
23 see all the pictures of your food and babies and  
24 whatnot if they want to. And if they don't, they  
25 don't have to. So, it's -- it's a way to keep in

1 touch with a variety of circles in your -- in your  
2 life.

3 Q. And how about the professional benefits?

4 A. In a lot of the same ways, it allows you to  
5 bring multiple networks of people in your life,  
6 professionally speaking, together and to share  
7 information and kind of promote your own scholarship  
8 activities, opinions, commentaries to people that  
9 would find them relevant or helpful.

10 Q. Do you think Facebook is a helpful  
11 advertising tool?

12 A. Yes, absolutely.

13 Q. Do you consider Facebook's advertising a part  
14 of its service?

15 A. Yes.

16 Q. Can you briefly give me an overview of your  
17 previous jobs?

18 A. Professionally post-degrees, I've been at the  
19 Bowen School of Law in some capacity since 2005 and  
20 as -- as an employee. So, up until then it was kind  
21 of a smattering of jobs, but this job in particular  
22 I've kind of went from a part-time student and staff  
23 member on up to professional level and -- and my --  
24 my current role as a faculty member.

25 Q. And before you worked at the Bowen School of

1           A. Blogs are content that you want to push out  
2 to, you know, numbers of people, and Facebook has  
3 just made the -- the platform a way that anybody can  
4 do it and they can share a variety of content.

5           Q. What's your understanding of what service  
6 Facebook provides to its users?

7           A. Things I've alluded to here, you know, at  
8 different times, professional networking, marketing,  
9 building business brand and getting content out but  
10 also personal use and keeping together diverse groups  
11 of people in your life, family, friends, personal  
12 networking, personal sharing of ideas, thoughts,  
13 personal experiences.

14           Q. What's your understanding of Facebook's  
15 business?

16           MR. SLADE: Object to form.

17           THE WITNESS: I mean, I know the CEO. I've  
18 watched The Social Network, so I guess I'm -- as far  
19 as that is true, a true depiction, I know a little  
20 bit of how that started. I know it's huge. I know  
21 it's the biggest among the social media outfits.  
22 Beyond that, nothing.

23           Q. (By Ms. Rogers) What's your understanding of  
24 how Facebook makes money?

25           A. Advertising generally. And that's gain --

1 correct?

2 A. Yeah. Yes.

3 Q. You haven't read any other articles about the  
4 technical aspects of Facebook social plug-ins?

5 A. Again, nothing that I recall specifically  
6 about that, but perhaps a little bit incidental to a  
7 larger story about Facebook use or -- or general  
8 privacy concerns on the internet for the, you know,  
9 society at large.

10 Q. But you're well read in general about  
11 Facebook?

12 MR. SLADE: Object to form.

13 THE WITNESS: I wouldn't say it that way.  
14 I would say I'm versed in social media use and -- and  
15 function but, no, I wouldn't say I'm knowledgeable  
16 about Facebook specifically because I know there are  
17 people with way more knowledge than me.

18 Q. (By Ms. Rogers) Do you understand how the  
19 Facebook like social plug-in works?

20 MR. SLADE: Object to form.

21 THE WITNESS: Only in that I know how to  
22 add it to a blog, I know the benefits of using it,  
23 but that's the extent.

24 Q. (By Ms. Rogers) And, again, the benefits are  
25 related to increased exposure?

1 A. Yes.

2 Q. And you haven't viewed any Facebook guidance  
3 regarding Facebook like social plug-ins?

4 A. Huh-uh.

5 Q. What's your understanding of how the Facebook  
6 messages feature works?

7 MR. SLADE: Object to form.

8 THE WITNESS: They -- they're akin to  
9 e-mail in that they're a direct one-to-one  
10 communicate -- well, I guess they can be a group  
11 feature. I don't use that one. But typically a  
12 one-to-one direct messages akin to e-mail.

13 Q. (By Ms. Rogers) How did you come to that  
14 understanding?

15 A. Just through my own use over time.

16 Q. Do you recall reviewing any documents about  
17 Facebook message functionality?

18 A. I never read any in any detail. I may have  
19 had to agree to something, but I don't recall that.

20 Q. And you may have read news articles that talk  
21 about Facebook messages at some point?

22 A. Only incidental to larger stories or -- or  
23 maybe the -- when the new version of messenger came  
24 out, maybe there was a blurb on that and I -- I read  
25 it, but nothing -- nothing specific, in detail.

1 Q. Besides -- strike that.

2 Besides reading part of the complaint --

3 A. Uh-huh.

4 Q. -- when you first received the Subpoena?

5 A. Yes.

6 Q. Have you investigated the veracity of  
7 Plaintiffs' claims at all?

8 A. I didn't. And I alluded to earlier, having  
9 counsel and discussing it more precluded me from  
10 feeling the need to do a bunch of further sweeping.

11 Q. And you continued to use Facebook after you  
12 learned about the suit?

13 A. Yes.

14 Q. And you continued to send Facebook messages  
15 after learning about the suit?

16 A. Possibly with URLs, but I'm not -- I don't  
17 recall specifically, but my behavior did not change.

18 Q. And why did your behavior not change?

19 A. I saw no reason for it to, I guess.

20 Q. Why did you see no reason for it to change?

21 A. I -- I guess, based on prior use, my new  
22 understanding of the general nature of the litigation  
23 didn't force me into thinking I needed to change  
24 behavior based on the way I've always used it.

25 Q. Do you know whether Facebook has stopped the

1 conduct the Plaintiffs are challenging?

2 MR. SLADE: Objection to the extent it  
3 calls for speculation.

4 THE WITNESS: I don't. I don't know the --  
5 the full extent. I've alluded to I'm not aware of  
6 the full extent, so no.

7 Q. (By Ms. Rogers) You don't know?

8 A. I do not know.

9 Q. If Facebook hasn't stopped the conduct that  
10 Plaintiffs are challenging, would that affect whether  
11 you use Facebook or not?

12 MR. SLADE: Object to form, object to the  
13 extent it calls for speculation.

14 THE WITNESS: It wouldn't, it hasn't since  
15 then. And, again, I would refer to that I don't feel  
16 I fully know the extent of the claim to be able to  
17 completely answer that. But it hasn't changed my  
18 behavior, so that -- that should show something.

19 Q. (By Ms. Rogers) Do you understand that when  
20 you send a Facebook message, Facebook has electronic  
21 processes in place to process the message?

22 MR. SLADE: Object to form.

23 THE WITNESS: I don't know how the  
24 underpinnings work other than assume there's some  
25 kind of underpinning.

1 story when I link something if that's what you're --  
2 yes.

3 Q. It is.

4 A. Yes.

5 (Whereupon, ██████████ Deposition  
6 Exhibit 8 was marked for identification and made part  
7 of the record.)

8 Q. (By Ms. Rogers) ██████████ the reporter  
9 has handed you a document we've marked as Exhibit 8.  
10 I'll represent to you that this is not a document  
11 that has been produced in this case. My team and  
12 generated what I just referenced is a URL preview,  
13 and this is a screen shot of a URL preview.

14 Does this preview functionality look familiar to  
15 you?

16 A. Yes.

17 Q. Do you recall seeing any URL previews when  
18 you have sent a Facebook message?

19 A. Yeah. And I'll say I am aware of these in  
20 that I try to remove them, the -- the actual URL when  
21 I'm sharing something on my wall because the story is  
22 there, it can be linked to, it's -- it's unnecessary  
23 information.

24 Q. So, you --

25 A. I am aware of it because I have a fairly

1 standard practice of taking that off when I'm sharing  
2 a link on my wall -- or timeline I mean.

3 Q. So, you have a standard practice for removing  
4 the URL preview when you post a story on your  
5 Facebook timeline?

6 A. If -- yeah, when I'm sharing a news story or  
7 a link on my timeline, if I see -- which I don't  
8 always see one nice like that. But if I see a  
9 preview, it looks good, I remove the URL itself,  
10 because it's -- it's just repetitive information.

11 Q. Do you have a standard practice of removing  
12 the URL preview when you send a Facebook message?

13 A. I don't know that I apply that same -- I  
14 don't know that it matches up with -- I'm aware of it  
15 in the public sharing because of the way it looks to  
16 others.

17 Q. Do you specifically recall sending a message  
18 and leaving a URL preview intact?

19 A. Yeah. And I know I've done that on -- on  
20 several direct messages over time. It's less of an  
21 issue. But I assume I've probably taken it off, too,  
22 if I've noticed it, but it's -- it's something I do  
23 generally when sharing, and I realized, you know,  
24 it's different with a -- well, in direct messages  
25 it's not as big a deal because I'm not sharing it on

1 my timeline.

2 Q. And you specifically recall removing a URL  
3 preview when you sent a message?

4 A. I assume I probably have since I do that, you  
5 know, on my public timeline, I guess, anyway, but I  
6 know that I've sent several that I didn't do that  
7 because I -- you know, I wasn't worried with the way  
8 it looked.

9 Q. Do you understand that Facebook has copies of  
10 messages sent through Facebook on its servers?

11 MR. SLADE: Object to form.

12 THE WITNESS: I'm aware of my messages  
13 privy to this case, so, yes, you know, to that  
14 extent.

15 Q. (By Ms. Rogers) Do you think it's helpful  
16 for you to have copies of your messages accessible to  
17 you when and if you need them?

18 MR. SLADE: Object to form.

19 THE WITNESS: I could see benefit, but it's  
20 not a -- a huge priority and honestly I guess people  
21 have different uses for archived messages.

22 Q. (By Ms. Rogers) Did you ever go back and  
23 access your Facebook messages?

24 A. Very rarely do I re-read old communications.

25 Q. You have?

1           A. Very rarely. I have, I'm sure, at some  
2 point, but very rarely do I backtrack.

3           Q. Are you aware that Facebook's developer page  
4 disclosed that the number of likes on a third-party  
5 page is derived in part from the number of Facebook  
6 messages containing a URL to that page?

7           MR. SLADE: Object to form.

8           THE WITNESS: I had no idea.

9           Q. (By Ms. Rogers) Do you personally object to  
10 Facebook processing messages in order to increase the  
11 like count on a third-party website?

12           MR. SLADE: Object to form.

13           THE WITNESS: I don't have an opinion about  
14 it, and, honestly, to form one, I would want more  
15 information about it. I don't feel I'm knowledgeable  
16 enough to say.

17           Q. (By Ms. Rogers) If you knew that the like  
18 count on the third-party website was an aggregate and  
19 anonymous count, would you object to Facebook  
20 processing a message in order to increment that  
21 aggregate and anonymous like count?

22           MR. SLADE: Object to form.

23           THE WITNESS: I -- I can't say because I  
24 don't know the extent of the practices what pros and  
25 cons, you know, are -- are a part of each of the

1 interests and things to some extent of what your  
2 other public profile would be, but they're totally  
3 different. You're sharing one with everyone, you're  
4 putting yourself out there, to marketers, you know,  
5 businesses. When you -- when you go into Wal-Mart,  
6 there's certain expectations; you want retail  
7 merchandise. I mean, it's -- it's a different animal  
8 than calling the Wal-Mart and asking for something  
9 specific. So, I -- I would just assume that the  
10 practices of -- would be different to represent the  
11 differences in the -- the user's expectations, I  
12 guess.

13 Q. Do you personally object to Facebook  
14 processing messages for any purpose?

15 MR. SLADE: Object to form, and object to  
16 the extent it's been asked and answered.

17 THE WITNESS: Do I personally object to  
18 Facebook -- describe what you're asking.  
19 Processing --

20 Q. (By Ms. Rogers) For Facebook to process that  
21 message for any reason?

22 MR. SLADE: Same objections.

23 THE WITNESS: Nothing -- my objections lie  
24 in the descriptions I've said before as far as user  
25 expectations being projective in curbing illegality

1 to some extent or the extent practical, only in -- I  
2 guess in those ways. The -- the realm of  
3 expectation, though, should -- Facebook should take  
4 that into account.

5 Q. (By Ms. Rogers) Okay. So, do you think that  
6 Facebook should be able to process messages in order  
7 to deliver the message to an intended recipient?

8 MR. SLADE: Object to form and to the  
9 extent it's been asked and answered.

10 THE WITNESS: I guess process, I don't know  
11 if that means grabbing and passing along or keeping  
12 and reviewing or categorizing, organizing. I don't  
13 know what process means in this -- in this context.

14 Q. (By Ms. Rogers) If Facebook has a series of  
15 steps that it takes electronically to deliver a  
16 message to an intended recipient, do you object to  
17 that?

18 MR. SLADE: Object to form.

19 THE WITNESS: Beyond it being delivered as  
20 written to the intended target, if public -- if the  
21 way you treat this information, the timeline, is the  
22 same as you treat the -- the information not meant to  
23 be shared with anyone but one person, I -- I would  
24 have strong reservations in not differentiating the  
25 two.

1 Q. (By Ms. Rogers) Okay.

2 A. The extent of my objections would be based on  
3 knowing the policy completely.

4 Q. So, you say "beyond it being delivered as  
5 written to the intended target". So, you don't  
6 object to Facebook having a series of electronic  
7 steps in order to deliver the message to the intended  
8 recipient?

9 MR. SLADE: Objection, mischaracterizes  
10 prior testimony, object to form, and object to the  
11 extent it's been asked and answered.

12 THE WITNESS: I -- I don't object with the  
13 delivery. You say steps? I don't know what that  
14 entails. So, if step 2 is some -- you know, I -- I  
15 don't know.

16 Q. (By Ms. Rogers) Okay.

17 A. If it takes three steps to do the one action  
18 I've described, then I guess in theory that could be  
19 fine, but I don't know enough about the process to  
20 say --

21 Q. Okay.

22 A. -- one way or the other.

23 Q. So, do you personally object to Facebook  
24 processing messages to -- to filter messages into  
25 folders?

1 MR. SLADE: Object to form, objection,  
2 asked and answered.

3 THE WITNESS: I object to -- to processing  
4 that goes beyond basic delivery functions.

5 Q. (By Ms. Rogers) Okay.

6 A. On -- on private messages versus, you know,  
7 public shares, I suppose.

8 Q. So, that would include Facebook processing  
9 messages in order to store them?

10 MR. SLADE: Object to form.

11 THE WITNESS: It's -- it's -- yes --

12 Q. (By Ms. Rogers) Okay.

13 A. -- I would object to that. Again, not  
14 knowing what processing means or storing, I don't  
15 completely know what that encompasses, whether it's  
16 placing it there to never be seen again or to be  
17 acted upon in some way. That would change my  
18 opinion.

19 Q. So, if Facebook were processing messages in  
20 order to block malware, you would still object to  
21 that?

22 MR. SLADE: Object to form, object to the  
23 extent it's been asked and answered.

24 THE WITNESS: User expectations should be  
25 considered in any of those decisions.

1 described, it was probably half and half that were or  
2 were not, I would say 10 percent of the overall  
3 probably based on that estimate.

4 Q. Do you recall the first time you saw a URL  
5 preview in a Facebook message?

6 A. I don't recall or have any idea what the  
7 actual date was. I do remember vaguely it being  
8 something that wasn't originally part of direct  
9 messaging that later became part of it. I -- I was  
10 aware of it on my timeline and using it there before  
11 I ever thought to use it in that -- in that way. And  
12 it may have just been a -- a product of the time of  
13 the rollout.

14 Q. We might have covered this, too, but do you  
15 recall how many times you saw a URL preview in a  
16 Facebook message?

17 A. Just on messages I've shared or links I've  
18 shared or just --

19 Q. How about the messages you've shared?

20 A. I'd say -- I mean, that's hard to put a  
21 number on. If I've -- of all the URLs or links I've  
22 shared, I would say a strong 75 to 90 percent of them  
23 utilized the preview feature and delete the actual  
24 written URL in the way I described earlier.

25 Q. Do you know if there's a way to go back and

1 check to see if there was a URL preview generated for  
2 a particular message?

3 A. Not specifically. I -- if -- if someone  
4 tasked me with that, I would just kind of  
5 chronologically scroll down to find examples of it.  
6 I assume it remained in the same form that you posted  
7 it as, is my assumption.

8 Q. And you testified earlier that you've seen  
9 URL previews in a message and have deleted that  
10 preview before sending the message. Is that correct?

11 A. I think I might have misspoke. I deleted the  
12 URL link, the actual HTTP address. I didn't delete  
13 the preview. I want the preview, not the actual web  
14 address when I'm sending that, because I know  
15 clicking on the little, you know, aesthetically  
16 pleasing button gets you to the same place and it  
17 looks uncluttered.

18 Q. Understood.

19 So, when you deleted the URL --

20 A. Uh-huh.

21 Q. -- the actual preview which includes the  
22 image was intact?

23 A. Yes.

24 Q. Is that correct?

25 A. That would have been my intention if I were

1 deleting it, was to delete it and take out the extra  
2 information.

3 Q. And you have done that before; you've left  
4 the URL preview intact before?

5 A. It's a standard practice on my timeline that  
6 I mostly have incorporated on direct messages, too,  
7 but to a far lesser extent.

8 Q. Do you know if there's a way to know for sure  
9 whether you saw a URL preview in a message before you  
10 sent it?

11 A. I -- when I share my timeline, I can say that  
12 I always wait and expect it.

13 Q. Uh-huh.

14 A. But I'm aware -- because of some of the --  
15 like if I write an article that's in PDF, that there  
16 -- it doesn't provide that preview. So, I do know on  
17 my timeline shares that there are differences. Now,  
18 the extent of the differences I don't know. I know  
19 specifically PDFs won't generate the same thing  
20 because I've tried that. And in that case I might  
21 not share it at all or I'll -- you know, I'll do it  
22 differently, but I'm aware that -- of the...

23 Q. And, besides PDFs, do you recall any other  
24 types of documents that will not generate a URL  
25 preview?

1           A. I know I've run into some over time, but I'm  
2 not aware of a particular type that never does or  
3 something.

4           Q. So, in the instances where you saw a URL  
5 preview in a message, what was your understanding of  
6 how that was generated?

7           A. I would, you know, make the comparison to the  
8 WordPress blogging, in that if I enter this series of  
9 characters in this way, it'll generate a digital  
10 product based on that. I assume that same basic  
11 process is -- is somewhat at play here.

12           Q. So, when you saw a URL preview in a message,  
13 you assumed that there was some basic process at play  
14 to generate it?

15           A. Some sort of automated type digital aspect  
16 that I wasn't necessarily manipulating but that had  
17 been structured in a way that would make it easy for  
18 a user to do what I wanted to do.

19           Q. Do you consider that process of automatically  
20 generating the URL preview to be scanning?

21           MR. SLADE: Object to form.

22           THE WITNESS: I really don't know. That's  
23 -- that's where my knowledge probably ends, is how  
24 that happens.

25           Q. (By Ms. Rogers) And generating the URL

1 preview occurs before you send the message. Correct?

2 MR. SLADE: Object to form.

3 THE WITNESS: Yeah. Because I'll wait  
4 until I see it, make sure it's what I want, and then  
5 delete, then send. So, the send would be like the  
6 third or fourth step of the process, I guess.

7 Q. (By Ms. Rogers) I believe you testified  
8 earlier that you've used several different browsers  
9 to access Facebook?

10 A. (Nods head).

11 Q. Is that right?

12 A. Uh-huh. Yes.

13 Q. And those browsers include Internet Explorer,  
14 Mozilla and Chrome --

15 A. Yes.

16 Q. -- am I correct?

17 A. Yes.

18 Q. Any others?

19 A. I guess the Safari iPhone app maybe, you  
20 know, very infrequently if somehow I'm redirected to  
21 a Facebook page off of something else, but usually  
22 I'm in Facebook on my phone. And I'll say the Google  
23 Chrome would probably make up 85, 95 percent of  
24 Facebook use because the other two browsers are  
25 work-specific for certain -- certain functions, so...

1 Q. Do you know if those different browsers had  
2 JavaScript enabled?

3 A. I couldn't tell you one way or the other.

4 Q. Would you know how to check?

5 A. I could probably find out, but the answer is  
6 no.

7 Q. Would you able to check to see if JavaScript  
8 were enabled on all of the browsers you've used since  
9 you signed up for Facebook?

10 MR. SLADE: Objection, calls for  
11 speculation.

12 THE WITNESS: Yeah. I'm -- I'm -- I'm not  
13 familiar enough with JavaScript to really understand  
14 what it is, how to search for it, how to know it's  
15 there short of going specifically to look for it if I  
16 were given a reason.

17 Q. (By Ms. Rogers) How many of the websites at  
18 the URLs contained in your messages contained like  
19 button social plug-ins?

20 MR. SLADE: Object to form.

21 THE WITNESS: My guess is the type of  
22 information I share are -- are kind of, you know, a  
23 lot of political news. So, those type of sites seem  
24 to be big commercial sites that almost entirely have  
25 those type of features as part of it. We've got CNN

1 as the other example, but that would be a common link  
2 for me. Usually it's a -- a fairly well-known  
3 commercial site that I'm sharing, so most would have  
4 those type of...

5 Q. (By Ms. Rogers) Would some not have had a  
6 like button social plug-in?

7 MR. SLADE: Object to form.

8 THE WITNESS: Perhaps some of the ones I  
9 referred to that don't generate the preview. I'm  
10 thinking I can -- like I'm involved with American  
11 Association of Law Libraries, things from their  
12 website tend to not be able to be replicated, so that  
13 could be one example of one of the ones I would know  
14 that's probably not that I might share, you know,  
15 somewhat frequently. But generally it's pretty  
16 well-known and well-frequented websites that -- that  
17 do have those functions.

18 Q. (By Ms. Rogers) Do you have an estimate of  
19 the number of websites that have a like button social  
20 plug-in versus those that did not have a like button  
21 social plug-in?

22 A. That I've shared, at least three out of four  
23 would have been from a commercial site with a button,  
24 probably more.

25 Q. Do you know whether your sharing of a URL in

1 sharing. You know, liking is a separate action than  
2 the sharing. I guess the way it's set up, thinking  
3 out loud here, it's -- some way there's a connection  
4 in that it -- it generates a box asking you to share,  
5 but I know out of practice that I cannot share it and  
6 still have a like. So, I assume it works the other  
7 way around, too, that one doesn't necessarily trigger  
8 the other even though they're interrelated.

9 Q. After you shared a URL in a Facebook message,  
10 have you ever gone back to the website associated  
11 with that URL and seen the like count go up based on  
12 your sharing of that URL in a Facebook message?

13 MR. SLADE: Object to form.

14 THE WITNESS: Only if I actually went  
15 through with that last step I described in the  
16 previous answer and shared it. So, I've liked and  
17 then shared, two actions, and knew that the like  
18 count was affected. I've never, to my knowledge,  
19 just shared a URL and had the like count affected or  
20 -- or hit like and expected it to -- to also post a  
21 status update to my timeline. I don't think it works  
22 that way, but I could be wrong.

23 Q. (By Ms. Rogers) You've never shared a URL in  
24 a Facebook message and gone to the website associated  
25 with that URL and seen your name associated with a

1 like count on that website?

2 MR. SLADE: Object to form.

3 Q. (By Ms. Rogers) If you only shared that --

4 A. No.

5 Q. -- URL in a Facebook message?

6 A. The only way I've seen that or would look for  
7 that is if I had purposely liked it.

8 Q. Do you object to a like count on a  
9 third-party website that's a anonymized and  
10 aggregated meaning it only displays the number of  
11 people who liked the page as opposed to the specific  
12 names of individuals who liked the page?

13 MR. SLADE: Object to form.

14 THE WITNESS: On its face without any  
15 question about the way that it's gathered, I don't  
16 have necessarily a strong opinion either way, but I  
17 -- I don't necessarily disagree with the practice. I  
18 do see benefit in knowing who liked it as -- as far  
19 as the overall theme of sharing information with  
20 people and, you know, shared -- people and -- and  
21 businesses that you have a mutual interest with.  
22 That's the -- the reason for that, I would think, to  
23 identify people. But I don't have any negative  
24 feelings about being anonymous besides the way it's  
25 gathered.

1 Q. (By Ms. Rogers) To summarize, you don't know  
2 whether your sharing of a particular URL in a  
3 Facebook message incremented the like count on a  
4 third-party website. Is that right?

5 A. That's -- I don't know, and my understanding  
6 is they're two separate actions, so...

7 (Whereupon, [REDACTED] Deposition  
8 Exhibit 9 was marked for identification and made part  
9 of the record.)

10 Q. (By Ms. Rogers) [REDACTED] the reporter  
11 has handed you a document marked as Exhibit 9. I  
12 will represent to you that this document is Plaintiff  
13 Matthew Campbell's Corrected Objections and Responses  
14 to Defendant Facebook, Inc.'s, First Set of  
15 Interrogatories in this case.

16 Do you recognize this document?

17 A. First time I've ever seen it.

18 Q. Please turn to Exhibit 1 of this exhibit  
19 which is right after page 15. And we're going to be  
20 using this for a little while so you'll just want to  
21 keep this handy.

22 (Whereupon, [REDACTED] Deposition  
23 Exhibit 10 was marked for identification and made part  
24 of the record.)

25 Q. (By Ms. Rogers) [REDACTED] the reporter



1 on a timeline or in a direct message, the shared link  
2 is an independent action of a pressed like button.  
3 So, I may have liked it and shared it as two actions.  
4 I very well may have shared it without liking it. I  
5 don't, however, think that the sharing triggered the  
6 like if -- if it did. And if it did, that would have  
7 been unbeknownst to me because that's not how I  
8 understand that -- that to take place.

9 Q. (By Ms. Rogers) Understood.

10 So, to see if I understand your position  
11 correctly, your understanding is that if you shared a  
12 URL in a message, that the like count on a  
13 third-party website would not go up --

14 A. Correct.

15 Q. -- based solely on the sharing of that URL in  
16 a Facebook message?

17 A. Correct.

18 Q. Okay. Do you know how you can check to see  
19 if the like button on a third-party website went up  
20 based on your sharing of a URL to that website in a  
21 message?

22 MR. SLADE: Object to form.

23 THE WITNESS: If I had only shared it, not  
24 liked it, I wouldn't be interested in finding out.  
25 But the way I would have -- would go about it if

1 asked were -- would be just to go back to original  
2 page, look at the like button to see if users are  
3 identified and see if I'm one of them.

4 Q. (By Ms. Rogers) Do you see users identified  
5 on this web page by the like button count?

6 A. No.

7 Q. Okay. You can set that aside.

8 Going back to the chart, if you could take a look  
9 at item number 329. Do you see that?

10 A. Yes, ma'am.

11 Q. And can you refer in Campbell000052 to the  
12 fourth full message down that correlates to that  
13 item?

14 A. Yes.

15 Q. Do you see that?

16 A. Yes, I do.

17 Q. Now, this appears to be a message from you to  
18 Matt Campbell on January 18th, 2014 at 9:08 p.m. CST.

19 Do you see that?

20 A. Yes.

21 Q. And there is a URL in that chart as well?

22 A. Yes.

23 Q. And do you see that same URL reflected in  
24 Exhibit 10?

25 A. I do.

1 Q. And you don't recall if you had JavaScript  
2 enabled at that time?

3 A. No, I'm not aware.

4 Q. Now, for this site, do you recall if it --  
5 strike that.

6 Do you know if this website had a Facebook like  
7 button social plug-in?

8 A. I do not know. And, yeah, it's -- I don't  
9 know and I'll say that it appears to be a little  
10 different than the way I was describing sites earlier  
11 in that I -- it doesn't appear to be a big commercial  
12 site or heavily frequented site. It appears to be  
13 something pretty targeted and specific.

14 (Whereupon, [REDACTED] Deposition  
15 Exhibit 12 was marked for identification and made part  
16 of the record.)

17 Q. (By Ms. Rogers) [REDACTED] I'll  
18 represent to you that Exhibit 12 is a printout of the  
19 document available at the URL in message 329.

20 A. Okay.

21 Q. Do you see a like button social plug-in on  
22 this document?

23 A. No.

24 Q. And when you refer back to the actual URL in  
25 the message, you will see that the URL ends with a

1           THE WITNESS: I believe he probably didn't  
2 consider it at the time and probably assumed, you  
3 know, any -- any concerns were a part of the general  
4 policy agreement he originally signed.

5           Q. (By Ms. Rogers) So, you don't know what  
6 Mr. Campbell knew about Facebook's practices with  
7 respect to possibly processing this message?

8           A. I can't tell you what he knew or didn't know  
9 at the time. I can refer back to the fact that his  
10 subsequent behavior and previous doesn't seem to  
11 change a lot, so, if there was a concern, it didn't  
12 seem to affect the way he engaged others on here.

13          Q. Do you know if you saw a URL preview  
14 associated with this particular message?

15          A. This is one that I -- I couldn't tell you.  
16 You know, I had the PDF example to -- to lean on in  
17 differentiating. This one I'm not sure if a preview  
18 would have been generated or not. It appears to be a  
19 Facebook photo, so I'm -- I'm not aware.

20          Q. Because you don't know if you saw a URL  
21 preview, you wouldn't know if you had closed it or  
22 left it intact before sending it. Is that correct?

23          A. Based on the printouts here, I can't tell the  
24 difference. And my -- I don't have any recollection  
25 of it. And generally I don't know if these type of

1 Q. And if the terms disclosed that Facebook was  
2 processing messages, would you agree that you did  
3 consent?

4 MR. SLADE: Object to form, object to the  
5 extent it calls for speculation, object to the extent  
6 it's been asked and answered, and object to the  
7 extent it calls for a legal conclusion.

8 THE WITNESS: Will you repeat the question?

9 Q. (By Ms. Rogers) Sure.

10 And if Facebook's terms did disclose that Facebook  
11 was processing messages, would you agree that you  
12 consented to Facebook processing the message?

13 MR. SLADE: Same objections.

14 THE WITNESS: Under the context of my  
15 signing or by clicking "agree", I am held by all of  
16 the provisions laid -- laid there out. My  
17 understanding and fine reading of them, you know, is  
18 beside the point to that extent.

19 Q. (By Ms. Rogers) Understood.

20 Now, do you know if Mr. Campbell consented to  
21 Facebook processing the message?

22 MR. SLADE: Object to form.

23 THE WITNESS: I think the same as the  
24 answers before and the ones immediately prior in that  
25 he didn't consider it at the time, but he did agree

1 to a general overall policy that may have contained  
2 language pertaining to that specific point.

3 Q. (By Ms. Rogers) Same question for  
4 Mr. Campbell. If Facebook's terms disclosed that  
5 Facebook was processing messages at the time, do you  
6 believe Mr. Campbell would have consented to Facebook  
7 processing this message?

8 MR. SLADE: Object to form, object to the  
9 extent it's been asked and answered, object to the  
10 extent it calls for a legal conclusion, object to the  
11 extent it calls for speculation.

12 THE WITNESS: Trying to surmise what he  
13 would have done if given that information, that's  
14 beyond what I can do. I can say what I might have  
15 done given the information, but I can't answer that.

16 Q. (By Ms. Rogers) Do you know what  
17 understanding Mr. Campbell had at the time about what  
18 Facebook was doing with messages?

19 MR. SLADE: Object to form, object to the  
20 extent it calls for speculation.

21 THE WITNESS: I don't think he was  
22 considering where or what was being done with these  
23 particular messages, so I -- I guess not.

24 Q. (By Ms. Rogers) Do you know?

25 A. No. I mean, there was no discussion between

1 he and I about the nature of where these messages  
2 went or what happened to them beyond our just reading  
3 them as they came in.

4 Q. Do you know if Mr. Campbell saw a URL preview  
5 before sending this message to you?

6 MR. SLADE: Object to form, object to the  
7 extent it calls for speculation.

8 THE WITNESS: My recollection is that  
9 Mr. Campbell is actually probably less concerned  
10 about removing the URL and leaving the preview as I  
11 am.

12 Q. (By Ms. Rogers) Why is that?

13 A. It's just a quirky thing about me probably  
14 more than anything. I would -- my recollection is  
15 that his standard practice wasn't like mine in that  
16 he always deleted the URL or anything. I don't think  
17 he did -- really thought about it either way.

18 Q. Are you positive for this particular URL  
19 though?

20 A. No, not --

21 MR. SLADE: Object to form.

22 THE WITNESS: Sorry.

23 MR. SLADE: Sorry.

24 Q. (By Ms. Rogers) And you don't know what kind  
25 of browser Mr. Campbell was using when he sent this

1 somewhat illustrates the fact that whatever  
2 reservations aren't precluding the particular action  
3 you're asking about.

4 Q. (By Ms. Rogers) And for people you sent  
5 messages to, you wouldn't be able to state whether --  
6 strike that.

7 You don't know if the people you sent messages to  
8 ever visited the Facebook developer page that said  
9 that URL attachments and Facebook messages  
10 incremented the like count on a third-party website?

11 MR. SLADE: Object to form, object to the  
12 extent it calls for speculation.

13 THE WITNESS: I'm unaware of any individual  
14 user doing that or knowing that, and -- and in saying  
15 that, there are a lot of lawyers and pretty educated  
16 people in these circles and I would think even  
17 amongst that type of population that it's the same as  
18 it is in the general population. There may be a few  
19 crusaders that it's an important issue to, but  
20 overall I don't think it's considered.

21 Q. (By Ms. Rogers) And you wouldn't be able to  
22 say whether those individuals ever saw articles or  
23 other press coverage regarding Facebook's processing  
24 of messages?

25 MR. SLADE: Object to form, object to the

1 extent it calls for speculation.

2 THE WITNESS: Not that I'm aware.

3 Q. (By Ms. Rogers) And without actually going  
4 and accessing the URL included in a message you sent  
5 to see if it had a like button social plug-in, there  
6 wouldn't be any way for you to say for certain  
7 whether that website had a like button social  
8 plug-in. Is that correct?

9 A. That's --

10 MR. SLADE: Object to form.

11 THE WITNESS: That's correct. Even the  
12 ones like I had mentioned with [REDACTED]  
13 the fact that it does generally, I mean, to know with  
14 absolute certainty for an older story, I would have  
15 to manually go and view it.

16 Q. (By Ms. Rogers) And to say for certain  
17 whether a URL preview was associated with a  
18 particular URL included in a message, you would have  
19 to go back and actually access your physical Facebook  
20 messages?

21 A. Yes.

22 MR. SLADE: Object to form.

23 THE WITNESS: Yes. And then -- then view  
24 it as on the -- the Facebook site itself.

25 Q. (By Ms. Rogers) Okay. We're done with these

1 to what you say you've learned today?

2 MR. SLADE: Object to form.

3 THE WITNESS: I can't speculate.

4 Q. (By Ms. Rogers) Do you think you're going to  
5 continue to use Facebook?

6 A. Yes.

7 Q. Do you think you're going to continue to use  
8 Facebook messages?

9 A. Yes, but I have a new curiosity that probably  
10 didn't exist before.

11 Q. Do you think you've been harmed by Facebook's  
12 conduct challenged in this case?

13 MR. SLADE: Object to form, object to the  
14 extent it calls for speculation, and object to the  
15 extent it calls for a legal conclusion.

16 THE WITNESS: I'm not aware of a direct  
17 negative impact front and center in my life.  
18 However, if I knew about practices and -- I didn't  
19 know every exchange with Matt Campbell had been made  
20 subject to a litigation discovery process until this  
21 was brought to my attention, so, you know, all of it  
22 will make me think about it a little differently.  
23 Maybe I don't want years of archived messages between  
24 me and -- and certain people. You know, it may  
25 affect my future behavior.

1 Q. (By Ms. Rogers) Do you think you've suffered  
2 any monetary harm?

3 MR. SLADE: Object to the form of the  
4 question, object to the extent it calls for  
5 speculation, object to the extent it calls for a  
6 legal conclusion.

7 THE WITNESS: I can't quantify it here  
8 today, but, you know, if -- if -- I could see how  
9 people -- I could have been negatively impacted as  
10 far as the practice engaged in towards me and -- and  
11 people in my situation. As far as, you know, hours  
12 at a deposition, I mean, you could quantify that I  
13 guess. But my telling you I hadn't been previously  
14 concerned about it shows that I haven't felt or  
15 wasn't aware of any direct negative impact in my  
16 day-to-day dealings. However, social media, First  
17 Amendment, communications with local officials and  
18 those things are a part of my life and will be in the  
19 future, so more awareness and curiosity about these  
20 issues could change my behavior because of the type  
21 of people I do communicate with.

22 Q. (By Ms. Rogers) And you said that you intend  
23 to continue to use Facebook?

24 A. Yes.

25 Q. Do you think you'll suffer any harm from your

1 A. I'm sorry.

2 Q. Do you believe that your Facebook messages  
3 have monetary value?

4 MR. SLADE: Object to the form of the  
5 question, object to the extent it calls for  
6 speculation, object to the extent it calls for a  
7 legal conclusion.

8 THE WITNESS: I'd like to say that some of  
9 my higher-end posts have some, but, you know,  
10 generally no, other than they promote -- help me  
11 promote my career generally, but, no, not a direct  
12 monetary gain.

13 Q. (By Ms. Rogers) Do you have any information  
14 of any kind that Facebook has targeted an ad to you  
15 based on something you've put in a message?

16 MR. SLADE: Object to the form, object to  
17 the extent it calls for speculation.

18 THE WITNESS: I don't spend much time  
19 looking at ads. I can say that over time I've  
20 wondered why one was there and -- and -- you know,  
21 and other times I see the same one that does kind of  
22 fit. So, it's been a very surface-level glance of  
23 the way that even works but I haven't thought about  
24 it very much. I haven't been negatively impacted by  
25 those particular ads other than just minor annoyance,

1 I suppose.

2 Q. (By Ms. Rogers) But have you ever seen an ad  
3 specifically and believed that Facebook targeted it  
4 to you based on something you put in a message?

5 A. I'll have to say I kind of described -- and  
6 I'll repeat it again. And I'll even, you know, bring  
7 up G-mail again, in that when I browse the internet,  
8 in my mind, that was a very different thing that  
9 direct messaging, whether it be Facebook Messenger, a  
10 direct message on Twitter, an e-mail. My  
11 understanding of those practices, those weren't the  
12 marketing -- the information wasn't -- advertising  
13 information wasn't garnered from that; it was  
14 garnered from public internet use. If that's  
15 different, my understanding of it was, you know,  
16 off-base. And by seeing targeted ads, I've always  
17 been under the assumption that's was based solely on  
18 public use, whether it was Facebook or Google.  
19 Perhaps my Google ads are based on my G-mail use,  
20 which I'm sure there's a theme between public  
21 information shared and private to some extent.  
22 Politics, law, education, I'm interested in that.  
23 I'll be interested in direct messages, too, but at no  
24 time did I ever think that was based on private  
25 messages whether it was Facebook or any of the other

1 platforms.

2 Q. I want to discuss your reading habits a  
3 little bit, although we've covered that to some  
4 degree already. Do you read any newspapers?

5 A. I wouldn't say I read any of them A to Z, but  
6 I read constant news articles and pieces of  
7 newspapers every day.

8 Q. Do you read the Los Angeles times?

9 A. Some. It's a favorite link but not -- maybe  
10 once a week.

11 Q. How about the New York Times?

12 A. More frequently. I'd say three or four times  
13 a week I read at least a story or two.

14 Q. How about the Wall Street Journal?

15 A. That's kind of odd that -- they have web  
16 videos, an app I like. Wall Street Journal, New York  
17 Times, LA Times, they have little two-minute video  
18 versions of their stories, and that's become a go-to  
19 in the last several months. All three of those are  
20 featured on my thing for that. So, if I don't read  
21 it, I may see a story, then read it, or vice versa,  
22 but all three of those publications.

23 Q. Understood.

24 I'm going to ask you about some other publications  
25 online or otherwise. Let me know if you read them or

1 have ever read them. Have you ever read Business  
2 Insider?

3 A. A few stories but it's not a go-to source.

4 Q. How about Forbes.com?

5 A. I picked up a magazine in the airport and  
6 read the whole thing a couple of weeks ago in Philly,  
7 the Forbes, an issue, but generally no other than a  
8 story link here or there.

9 Q. How about Huffington Post?

10 A. It's not a go-to either. I tend to shy away  
11 from the ultra partisan news these days, and I'll --  
12 I'll definitely read or share or repost a really good  
13 story or a link that I'm interested in, but it's not  
14 a source I seek and then it's shared.

15 Q. I'm sensing a theme.

16 A. A lot of links.

17 Q. How about Huffington Post Tech?

18 A. Even less than the -- the mother ship there  
19 on that one.

20 Q. How about CNet?

21 A. Less. Only in links and stuff. It's not one  
22 of the go-tos either.

23 Q. But you have read it?

24 A. I'm aware of it.

25 Q. And you've read it?

1           A. I've read -- it's online. I've read stories  
2 of it online at times, but sporadically.

3           Q. You mentioned you sometimes read the Wall  
4 Street Journal. How about the Wall Street Journal  
5 Digits blog. Ever read that?

6           A. I don't -- I've never -- I don't recall that  
7 one right now.

8           Q. How about Mashable?

9           A. I'm aware of it, a link or two over time, but  
10 not a source I usually --

11          Q. Wired?

12          A. I've heard of it but not -- not that familiar  
13 with it.

14          Q. Tech Radar?

15          A. Not familiar with that one at all.

16          Q. The Next Web?

17          A. No.

18          Q. PC Mag?

19          A. No.

20          Q. Gizmodo?

21          A. No.

22          Q. CNN?

23          A. Frequently. Usually video.

24          Q. The Guardian?

25          A. Linked stories sporadically.

1 Q. Tech Spot?

2 A. No.

3 Q. The Wall?

4 A. Not familiar with that one.

5 Q. Daily Tech?

6 A. No.

7 Q. Stack Overflow?

8 A. Not familiar with that one.

9 Q. Inside Facebook?

10 A. Never heard of that one.

11 Q. Slate?

12 A. Occasional linked stories.

13 Q. CNN Tech?

14 A. I -- I frequent CNN sites a lot, its home  
15 site and some of its subsites like CNN Monday, CNN  
16 Tech, yeah.

17 Q. Consumerist?

18 A. Very rarely. It's -- we have a print  
19 subscription to that one, so occasionally.

20 Q. Julian Evans Blog?

21 A. No.

22 Q. Social Times?

23 A. No.

24 Q. The Verge?

25 A. No.

1 Q. Web Pro News?

2 A. Not familiar.

3 Q. Motherboard?

4 A. No.

5 Q. BBC?

6 A. Occasionally.

7 Q. NPR?

8 A. I frequently listen to -- and -- and -- yeah,  
9 and read the -- the online local website.

10 Q. Thank you.

11 Well read, just as I thought a librarian should  
12 be.

13 A. How would I post all that stuff?

14 Q. I have no idea.

15 MS. ROGERS: Those are all -- actually all  
16 of the questions I have.

17 Do you have anything?

18 MR. SLADE: I don't think so.

19 MS. ROGERS: Okay. Well, I want to thank  
20 you for your time and for sitting for this deposition  
21 and, of course, for your professionalism throughout  
22 the process.

23 (Record concluded, 3:10 p.m.)

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CERTIFICATE

I, Cheryl D. Glenn, Certified Shorthand Reporter, Registered Professional Reporter, certify that the above-named witness was sworn, that the deposition was taken in shorthand and thereafter transcribed; that it is true and correct; and that it was taken on August 11, 2015, in Little Rock, county of Pulaski, state of Arkansas, pursuant to Subpoena and the Federal Rules of Civil Procedure and under the stipulations set out, and that I am not an attorney for nor relative of any of said parties or otherwise interested in the event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 24th day of August, 2015.

\_\_\_\_\_  
CHERYL D. GLENN, CSR, RPR  
Certificate No. 1448